



Factsheet – Fatal shooting of Chris Kaba

Introduction

In response to requests from stakeholders in Lambeth and across London, we have produced this factsheet which can help you understand the legal process that has been undertaken following the fatal shooting of Mr Chris Kaba, and to help you answer questions you may receive from your communities and networks.

It is important to us at the IOPC, that the local community know the role we play in cases such as these and to also understand the partner agencies who are part of the wider justice process.

We have tried to provide answers to the questions you may have. Accompanying this factsheet is an FAQ document and a factsheet on juries. If you feel we have missed anything out, please do contact us at londonengage@policeconduct.gov.uk and we will do our best to answer.

It is important to acknowledge that the police complaints landscape, like most processes governed by legislation, is complex and has many stages which can be both confusing and difficult to understand. We are trying to make this information more accessible and sharing in a way that may help those working within and alongside the complaints system.

The IOPC investigation

Under the Police Reform Act 2002, the police must refer to the IOPC any circumstances in which a person has died or sustained a serious injury and:

- they were in custody or under arrest or
- at or before the time of the death or serious injury the person had contact with a person serving with the police and there is an indication that the contact may have caused or contributed to the death or serious injury.

The Met's Directorate of Professional Standards notified the IOPC that there had been a police shooting shortly after 11.20pm on 5 September.

An independent investigation was declared and on-call IOPC investigators were sent to the scene of the shooting. When an independent investigation is declared, the IOPC has direction and control of the scene.

We conducted a criminal investigation into a police officer in relation to Mr Kaba's death. When a person dies in these circumstances, the law requires us to conduct a wide-ranging independent investigation.

We explored all of the circumstances surrounding Mr Kaba's death, including:

- how the officers came to be aware of the vehicle Mr Kaba was driving;
- if they had any prior knowledge of Mr Kaba; and
- their decision-making and actions on the 5 September.

We also examined whether Mr Kaba's race influenced any actions taken by the police.

A 6–9-month timeframe was set to complete the investigation, and we met this target by completing the investigation in under 7 months.

During this time, the IOPC met with the family of Mr Kaba and their representatives and provided 28-day updates via their solicitors, in line with all IOPC investigations.

You can see how we carry out our investigations below or read more [here](#).

The process of an IOPC independent investigation

We take initial action:

- > Our staff go to the scene (where necessary) and provide instructions to the local police force about evidence gathering, securing the scene, and securing evidence from officers and staff involved.
- > Our staff start gathering evidence.
- > We consider any indications of criminal/conduct matters.
- > We identify any immediate learning.

We liaise with:

- > family
- > Crown Prosecution Service (CPS)
- > Coroner
- > media
- > community

We investigate, including:

- > assessing questions from the family or complainant
- > agreeing terms of reference
- > collecting and analysing evidence, including witness statements, CCTV and other technical data, policies, forensic evidence, and independent expert evidence
- > interviewing witnesses/suspects, including police
- > consideration of use of legal powers if necessary. For instance in criminal investigations, our investigators have the powers and privileges of a constable, such as the power to arrest or to seize evidence.
- > continuing liaison with family, CPS, Coroner, media and community

We produce an investigation report



We decide whether to refer to the CPS, which then decides whether to prosecute.	We decide whether disciplinary or performance proceedings should take place.	Police receive our report and can make representations.	We consider those views but make the final decision on what happens as a result of our investigation.
We share findings of our report with family/complainant.	Police undertake disciplinary or performance proceedings.	We identify any learning from the case and share with police force.	Report and evidence fed into any trial or inquest (this can happen before or after the conclusion of the investigation).

We publish the investigation report or an anonymised investigation summary (usually after inquest, prosecution and/or disciplinary action completed).

IOPC Decision - referral to the Crown Prosecution Service (CPS)

On Thursday 30 March we issued the following press release:

We have today referred a file of evidence to the Crown Prosecution Service (CPS) following the conclusion of our homicide investigation into the fatal shooting of Chris Kaba by a Metropolitan Police Service (MPS) officer on 5 September 2022 in Streatham Hill, south London.

IOPC Director Amanda Rowe said: “This was a tragic incident and our investigators have been working hard to ensure that our comprehensive investigation has been completed without undue delay and within the six-to-nine-month timeframe we provided.

“Mr Kaba died after he was struck by a single gunshot fired by an MPS officer into the vehicle he was driving.

“During the investigation, the officer was advised they were under criminal investigation for murder and following the conclusion of our investigation we have referred a file of evidence to the CPS to determine whether to charge the officer.

“A referral to the CPS does not necessarily mean that criminal charges will follow. It is now for the CPS to decide, applying the tests in the Code for Crown Prosecutors, whether or not to prosecute the officer.

“Mr Kaba’s family and the officer involved have been notified of this development.”

This can be viewed on [here](#) alongside all other releases we have issued regarding this investigation.

Crown Prosecution Service (CPS) process

The CPS prosecutes criminal cases that have been investigated by the police and other investigative organisations in England and Wales. Like the IOPC, the CPS is independent, and they make their decisions independently of the police and government.

Their duty is to make sure that the right person is prosecuted for the right offence, and to bring offenders to justice wherever possible.

The CPS:

- decides which cases should be prosecuted;
- determines the appropriate charges in more serious or complex cases, and advises the police during the early stages of investigations;
- prepares cases and presents them at court; and
- provides information, assistance and support to victims and prosecution witnesses.

The principles the CPS follow

Prosecutors must be fair, objective and independent. When deciding whether to prosecute a criminal case, CPS lawyers must follow the [Code for Crown Prosecutors](#).

The Code for Crown Prosecutors sets out the basic principles to be followed by Crown Prosecutors when they make case decisions. The decision on whether or not to charge a case against a suspect is based on the Full Code Test as outlined in the Code. The Full Code Test has two stages:

The evidential stage

This is the first stage in the decision to prosecute. Crown Prosecutors must be satisfied that there is enough evidence to provide a "realistic prospect of conviction" against each defendant on each charge. They must consider whether the evidence can be used and is reliable. They must also consider what the defence case may be and how that is likely to affect the prosecution case.

A "realistic prospect of conviction" is an objective test. It means that a jury or a bench of magistrates, properly directed in accordance with the law, will be more likely than not to convict the defendant of the charge alleged. (This is a separate test from the one that criminal courts themselves must apply. A jury or magistrates' court should only convict if it is sure of a defendant's guilt.) If the case does not pass the evidential stage, it must not go ahead, no matter how important or serious it may be.

The public interest stage

If the case does pass the evidential stage, Crown Prosecutors must then decide whether a prosecution is needed in the public interest. They must balance factors for and against prosecution carefully and fairly. Some factors may increase the need to prosecute but others may suggest that another course of action would be better.

A prosecution will usually take place however, unless there are public interest factors tending against prosecution which clearly outweigh those tending in favour. The CPS will only start or continue a prosecution if a case has passed both stages.

To find out more about how the CPS work, visit their website [here](#).

CPS decision

On 20 September 2023 the IOPC issued the following press release.

IOPC Director Amanda Rowe said: “Today the Crown Prosecution Service (CPS) has announced that a Metropolitan Police Service (MPS) officer will appear in court tomorrow charged with the murder of Chris Kaba, following an investigation by the Independent Office for Police Conduct.

“The officer and Mr Kaba’s family were notified of the decision by the CPS this morning.

“The officer, who we are unable to name for legal reasons at this time, will be appearing at the Westminster Magistrates’ Court tomorrow morning.

“Our thoughts remain with Mr Kaba’s family and everyone affected by this tragic incident.

“It’s important now that criminal proceedings are able to run their course. We would reiterate the importance of not reporting, commenting or sharing information online which could in any way prejudice those proceedings.”

Chris Kaba died after he was struck by a single gunshot fired by an MPS officer into the vehicle he was driving on 5 September, 2022.

Following the completion of our investigation in March 2023, we referred a file of evidence to the CPS, who authorised the murder charge.

Update – we updated this press release in March 2024

An anonymity order for the officer has been partially lifted and he can now be named as Martyn Blake. The officer pleaded not guilty at a hearing at the Old Bailey and a three-week trial is scheduled from 2 October 2024.

[OFFICIAL]

The trial

On 8 March 2024, Sergeant Martyn Blake, plead not guilty to the charge of murder.

The trial started on Wednesday 2 October at the Old Bailey and was expected to last for three weeks.

The jury of nine men and three women heard accounts from both Sergeant Blake and key witnesses.

As the trial has been well documented by the media, we have not included information about what the jury were presented with.

[Chris Kaba shooting: Police officer not guilty of murder - BBC News](#)

To find out more about how criminal cases are handled, visit the [CPS website](#)

The verdict

On Monday 21 October, the jury spent three hours deliberating before returning with a not guilty verdict for Sergeant Blake.

The IOPC issued the following statement following the acquittal:

IOPC director Amanda Rowe said: “Firstly, we want to acknowledge Chris Kaba's family and friends today as they continue to grieve his death more than two years on. Our thoughts and sympathies remain with them and everyone else who has been affected.

“The past few weeks must have been incredibly difficult and distressing for Chris’s family who have sat through the trial, listened to all the evidence and witnessed his final moments played out in court.

“We also recognise the impact that this trial has had on the officer involved, as well as his firearms colleagues and the wider policing community.

“Today a jury, having considered all the evidence, has acquitted Police Sergeant Martyn Blake of murder.

“We appreciate this trial will have been of significant public interest, and particularly so within our Black communities.

“The IOPC’s role is to independently investigate the circumstances surrounding a fatal police shooting, including the decision to use lethal force. Under the law, firearms officers can use lethal force, however it must be reasonable in the circumstances the officer honestly believed them to be.

“The decisions to criminally investigate Sergeant Blake, and then to refer the case to the Crown Prosecution Service (CPS), followed careful consideration of a significant amount of evidence gathered during our independent investigation and by applying the relevant legal tests which govern our work.

“Following the CPS decision to charge Martyn Blake with murder, the matter has now been heard in open court and the officer has accounted for his actions before a jury.

“Ultimately it is that jury’s decision, having carefully considered all the evidence, to determine guilt or innocence and we respect that decision and thank them for their consideration.

“Armed policing plays a crucial part in protecting our communities and keeping the public safe from danger. Firearms officers can, and do, find themselves in extremely dangerous and volatile situations where they are forced to make difficult and quick decisions under intense pressure.

“It’s important to recognise that fatal police shootings are rare, particularly in relation to the volume of incidents firearms officers are called to attend. And it is rarer still that they result in criminal or misconduct proceedings for the officer who fired the fatal shot.

“Over the past 10 years the IOPC – or our predecessor the IPCC - has undertaken 26 investigations into fatal police shootings. In one other case we referred a file of evidence to the CPS to consider a criminal charge for the officer who fired the shot.”

To find out more about how juries make their decision please refer to the Jury factsheet you will have received along with this document.

[OFFICIAL]

What happens now?

Disciplinary proceedings following a trial

At the conclusion of any investigation, the IOPC decides whether any officers should face disciplinary proceedings for potential breaches of the police standard of professional behaviour. These proceedings are usually arranged after criminal matters have concluded.

As the officer has been acquitted, we will now review whether disciplinary proceedings remain appropriate, taking into account the evidence at the trial and any further representations made by the Met. This review process is standard practice for investigations where an officer is acquitted of criminal charges.

For information

Misconduct hearings are held to present the facts of the case and allow the person to give an explanation of their conduct and the circumstances surrounding the allegation. Witnesses may also be called to give evidence.

The purpose of a public hearing for gross misconduct is to show that the police disciplinary system is open and transparent. It seeks to demonstrate that police forces do hold officers where misconduct is found proven, accountable for their actions.

Members of the public are allowed to apply to attend and observe misconduct hearings, you can do that on the MPS website [here](#).

It's important to note that the IOPC does not decide whether an officer's actions amount to gross misconduct – that is the role of a disciplinary panel to determine after considering all of the evidence.

© IOPC 2024

OGL This is licensed under the Open Government Licence v3.0
except where otherwise stated.

This does not include material on this site as belonging to third parties.
Authorisation to use such material must be obtained from the copyright holders concerned.

To find out more about our work or to request this report
in an alternative format, you can contact us in a number of ways:

Independent Office for Police Conduct (IOPC)
10 South Colonnade Canary Wharf London E14 4PU
Tel: **0300 020 0096**
Email: enquiries@policeconduct.gov.uk
Website: www.policeconduct.gov.uk
Text relay: **18001 020 8104 1220**

We welcome telephone calls in Welsh
Rydym yn croesawu galwadau ffôn yn y Gymraeg



[OFFICIAL]